

### **REMARKS**

The Office Action of May 25, 2004 has been carefully reviewed and considered. Applicants have amended claims 11 and 22. The amendment of claim 22 was to correct a typographical error. Applicant acknowledges the Examiner's withdrawal of the rejection under 35 U.S.C. §102(b) in the previous Office Action. It is respectfully submitted that no new matter has been introduced by the amended and added claims. All claims are now present for examination in view of the accompanying remarks.

#### **Rejection under 35 U.S.C. §102(b)**

The Examiner rejected claim 11 under 35 U.S.C. §102(b) as being anticipated by Gaget et al., J. Chromatography (1987) 395, 597-608, where the compound RN=86559-36-6 discloses a compound where , with respect to compound RN 35373-60-5 which disclosed a compound where  $X=N$ ,  $R^1=H$ ,  $R^2=H$ ,  $H$ ,  $C_1$  alkyl substituted by  $F$ ;  $R^3=H$  and  $Z=F$ . The Examiner rejected claim 22 as being dependent on a rejected claim, but stated it would be allowable if rewritten in independent form. The Applicant has amended claim 11 so it now recites that the Markush group defining  $R^2$  does not contain the halo group, which renders the rejections to claim 11 and 22 moot. Applicant respectfully requests that the rejections be withdrawn in view of the amendment.

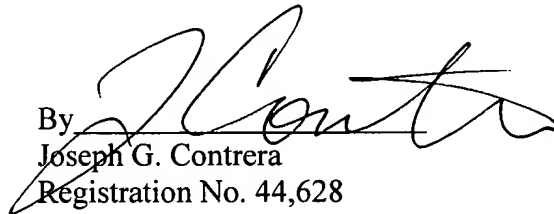
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Applicant believes that all rejections have been properly overcome and the claims as amended are in condition for allowance. If there are any questions, the Examiner is invited to call the attorney at 202-638-6666. Entry of the amendment and reconsideration is respectfully requested.

Respectfully submitted,

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